

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants	:	Wilson et al.	)	
Serial No.	:	10/790,943	)	Examiner: James D. Anderson
Cnfrm. No.	:	2176	)	
Filed	:	March 2, 2004	)	Art Unit: 1614
For	:	ANTI-CANCER COMBINATIONS	)	
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**COMMUNICATION TO REQUEST CONSIDERATION OF THE  
INFORMATION DISCLOSURE STATEMENT SUBMITTED MAY 10, 2005**

**Mail Stop RCE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit herewith a Request for Continued Examination (37 C.F.R. § 1.114), respectfully requesting that the Examiner consider the references submitted with and cited in a previously filed information disclosure statement, as further described below.

On May 10, 2005, Applicants submitted a “Supplemental Information Disclosure Statement Under 37 CFR §§ 1.56, 1.97, and 1.98” (the “Supplemental IDS”) (copy attached herewith). Accompanying the Supplemental IDS was a PTO-1449 Form (copy attached herewith), listing 142 references. Copies of the cited references were also submitted. Both the Supplemental IDS and the PTO-1449 Form were date-stamped by the U.S. Patent and Trademark Office (“USPTO”) as being received on May 10, 2005, and both of these documents, as well as the copies of the cited references, are contained in the image file wrapper of the USPTO’s Private PAIR records for the present application.

In the Supplemental IDS, Applicants expressly authorized the USPTO to charge the requisite fee for filing the Supplemental IDS to the deposit account of counsel-of-record (which has now changed):

Pursuant to CFR § 1.97(c)(2), because this Statement is being submitted after the mailing of the first Office Action on the merits, *please charge Deposit Account 16-0085, Reference 8654/2222 for the requisite fees.*

(Supplemental IDS, at page 2) (emphasis added).

Despite this express authorization for payment via deposit account, in the non-final Office Action mailed July 29, 2005, the USPTO refused to consider the cited references on the following grounds:

The information disclosure statement filed May 10, 2005 fails to comply with 37 CFR 1.97(c) *because it lacks the fee set forth in 37 CFR 1.17(p).* It has been placed in the application file, but the information referred to therein has not been considered.

(Office Action, mailed July 29, 2005, at page 2) (emphasis added).

Although Applicants assert that the Supplemental IDS was not defective for lack of payment of the requisite fee, in order to expedite prosecution, Applicants hereby re-submit the Supplemental IDS and PTO-1449 Form, along with payment of the requisite \$180.00 fee (37 C.F.R. § 1.17(p)) via **Deposit Account 10-0223** using EFS-Web.

In view of all of the foregoing, Applicants respectfully request that the Examiner consider the references disclosed with the Supplemental IDS and PTO-1449 Form of May 10, 2005, and promptly return to Applicants an initialed copy of the PTO-1449 Form.

The Commissioner is hereby authorized to charge any additional fees that may have been overlooked by Applicants to **Deposit Account No. 10-0223**.

Respectfully submitted by,

*/Andrew K. Gonsalves/*

Dated: October 31, 2007

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Reg. No. 48,145

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